



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



487283

REPLY TO THE ATTENTION OF:

JUN 3 1993

CM-3T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sanitary Disposal Systems
c/o Anthony Lair
1590 Winters BK Twr
Dayton, OH 45423

Re: Request for Information Pursuant to Section 104(e) of CERCLA
for the Powell Road Landfill in Huber Heights, Ohio.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, at the Powell Road Landfill, located at 4060 Powell Road in Huber Heights, Ohio, hereinafter referred to as the "Site". This investigation requires inquiry into the generation, storage, treatment, and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to

respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Information Request is directed to your company, its officers, directors and employees, and its subsidiaries, divisions, facilities and their officers, directors and employees. The relevant time period for this request is from 1959 to the present. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:

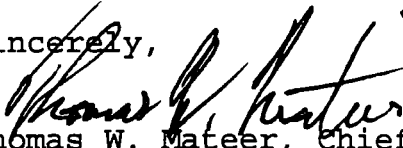
Catherine Garypie
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA
77 West Jackson CM-3T
Chicago, IL 60604

Please direct any legal questions you may have to Catherine Garypie, Assistant Regional Counsel, at (312) 886-7936, or Patricia Cosgrove, Assistant Regional Counsel, at (312) 886-6722. If you have any other questions contact Jan Bartlett, Remedial Project Manager, at (312) 886-5438.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,


Thomas W. Mateer, Chief
Superfund Program Management Branch
Office of Superfund

Enclosure

RECEIVED
JUN 21 1993

U.S. EPA REGION V
OFFICE OF REGIONAL COUNSEL

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or handling practices of the Respondent between January 1, 1959 and December 31, 1985. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "The Facility" shall mean and include the entire property on which the Powell Road Landfill was located.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.
6. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a

written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that person's employer, a description of the last known employment position and the job responsibility of such person, and a description of each employment position that person has held with Respondent including job responsibilities and the dates of such positions and responsibilities.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form of organization (e.g. corporation, partnership, etc.), if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of

each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

2. Identify the source(s) of all documents consulted, examined, or referred to in the preparation of the answers to these Requests (e.g., particular persons, plants, divisions or departments).

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons, and each request for which the person is identified.

4. List the EPA Identification Numbers of the Respondent.

5. Identify any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. Describe the acts or omissions which may have caused the release or threat of release of hazardous substances, pollutants, or contaminants at the Site and damages resulting therefrom.

6. Identify each facility that Respondent owned or operated in Clark County, Ohio, Green County, Ohio, Miami County, Ohio, or Montgomery County, Ohio, from January 1, 1959, to December 31, 1985. List the name and address of each facility and the operating status of each facility (currently operating, closed, etc.) and identify the current owner or operator, if not the Respondent.

7. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors, or by prior owners and or operators at any of the facilities identified in response to 6., above.

8. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials from January 1, 1959 to December 31, 1985? If the answer to the preceding question is anything but an unqualified "no", identify:

- a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
- b) Who supplied you with such hazardous substances;
- c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
- f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

9. Did you or any other person working with you or on your behalf ever accept waste materials for transportation to the Site from any person between January 1, 1959 and December 31, 1985? If the answer to this question is anything but an unequivocal no, identify:

- a) The persons from whom you or such other persons accepted waste materials for transport to the Site;
- b) Every date on which waste materials were so accepted or transported;
- c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
- d) For each material, describe any warnings given to you with respect to its handling;
- e) The owner of the materials so accepted or transported;

f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;

g) All tests or analyses and analytical results concerning each material;

h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.

10. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site between January 1, 1959 and December 31, 1985. In addition, identify the following:

a) The persons with whom you or such other persons made such arrangements, including, but not limited to, SCA, SCA of Ohio, SCA of Dayton, SCA-Miami County, Container Services, IWD, Koogler-Suburban, Blaylock Trucking, Dempsey Trucking, LTT Hauling, Elwood D. Vince, General Refuse, Delaney & Simpson, N & N Commercial Waste, Montgomery County, and Miami County;

b) Every date on which such arrangements took place;

c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;

d) The owner of the waste materials or hazardous substances so accepted or transported;

e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

f) All tests, analyses, and analytical results concerning the waste materials;

g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;

h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;

l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;

n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

o) The price paid for (i) transport or (ii) disposal or (iii) both, of each waste material and hazardous substance;

p) All documents containing information responsive to a)-o) above, or in lieu of identification of all relevant documents, provide copies of all such documents;

q) All persons with knowledge, information, or documents responsive to a)-o) above.

11. Identify all liability insurance policies held by Respondent from 1959 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

12. Provide copies of all income tax returns sent to the Federal Internal Revenue Service by Respondent in the last three years. If filed separately, provide copies of all income tax returns sent to the Federal Internal Revenue Service by facilities identified in response to 6., above, in the last three years.

13. If Respondent is a Corporation, respond to the following requests:

- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
- b) Provide Respondent's audited financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service. If audited financial statements are not in existence, provide unaudited financial statements.
- c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
- d) Identify the parent corporation and all subsidiaries.

14. If Respondent is a Partnership, provide copies of the Partnership Agreement.

15. If Respondent is a Trust, provide all relevant agreements and documents related to support this claim.

16. If Respondent is a business association or joint venture or other similar business organization, provide all relevant agreements and documents to support this claim.

17. Identify, including telephone number, any person designated to receive all future correspondence from U.S. EPA regarding the Site.

A & A Acoustical
A.E. Fickert
Abco Construction
Acuff Sanitary Refuse
Air City Roofing & Siding
Allcon Building Company
Allied Signal Aerospace Co.
Allied Signal Inc.
American Garage Builders
American Lubricants
Anchor Fabricators, Inc.
Angel Manufacturing
Angler Construction Co., Inc.
Apollo Trucking Co.
Apple Construction
ARS Builders, Inc.
Arthur Painting Co
Artistic Homes
Banfill Plastering, Inc.
Bauer Roofing & Siding
Beach Mfg. Co.
BG Danis Co.
Bill's Refuse Service
Bob Boyd & Assoc.
Bon Builders
Booth & Merle Construction
Brainard Construction
Brainard Industries
Brell Corp.
Bruce Springer Construction
Butler Roofing
Butler Twp Trustees
C & M Chemicals
C & N Industrial Contrs. Inc.
C Quinlan & Sons
Cameo Construction
Capital Dry Cleaning
Capitol Cleaning Company
Carefree Aluminum
Carboline
Carl Hendrickson Lat
Central State University
Charles Shook, Inc.
City of Dayton
City of Englewood
City of Huber Heights Road Department
City of Springfield
City of Vandalia
Claims Restoration
Clark County Employment
Clark Oil
Clearing House of America
Clevenger Roofing
Coca-Cola

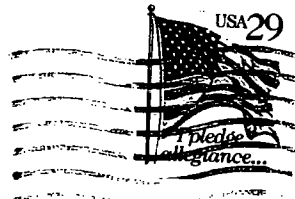
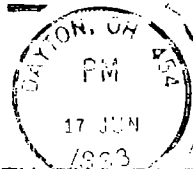
Colonial Hills
Community Clean
Construction Specialists, Inc.
Construction Unlimited
Coral Court
Cornett Trucking Co.
C.W. Construction
DL Allen Corporation
DMC
Danis BG Co.
Dayton Battery
Dayton Construction Co.
Dayton Excavating
Dayton Overhead Door
Overhead Door of Dayton
Dayton Home Improvement
Dayton Hydroelectric Company
Dayton Platt Mfg. Co.
Platt Mfg. Corp.
Dayton Power & Light Tait
Dayton Power & Light
Dayton Precision
Dayton Bd of Education
Dayton Sash & Door
Dayton Tire Co.
Dayton Tire Co.
Delany-Simpson Waste Collection, Inc.
Dempsey Trucking
Dick Robinson
Dixie Drywall Company
Dohigro Service
Downing's Landscape Service
Dryden Builders Inc.
Dunn Refuse Services
Duz-All Inc.
Edmont, Inc.
Elwood D. Vince
Emery Joseph Sepeck
Enterprise Roof & Sheet Metal Company
Environmental Processing Services
Everitt Littrell
F & M Contractors
Foreman Industries
Fox's Cleaners
Frank's Radiator
Fred Zink Excavating
Fryman-Kuck General Contractors
Fulmer Supermarkets
Gambill's Liquid Waste Disposal
Gem City Chemicals
General Refuse Service
Geuy Construction Company
Globe Industries
Gold Key Homes

Goodwill Industries of Dayton
Green County
GSX Corporation
Guy Construction Inc.
H & J Maintenance
Haer Construction
Harrison Twp Board of Trustees
Heldon Constr. Managers, Inc
Helene Curtis, Inc.
Henry Stock & Son
Hills Sewer Service
Hillsmith & Co.
Hoffman Builders
Hoke's Lawn Services
Huber Heights Ct (Wayne Twp Schools)
Huber Homes
Huffman Manufacturing
J & R Machine & Tool
Jack Woody Excavating
Jackson Communications
James C. Oren & Associates
Jara Construction
Jayne's Sheet Metal
John Missall & Company
Jos. Beck & Associate
KWM Beach Mfg. Co. Inc.
Kendall Construction
Kenny & Peggy Tractor
Kinninger Construction Co.
Kiser Lake State Park
Koffenbarger Construction Co.
Metro Disposal
Miami County
Mid-Continent Property
Montgomery County North Incinerator
Moraine Transfer, Inc.
Mound Laboratories
National Cash Register
Peerless Transportation Co.
Pittsburgh Plate Glass
Portland Cement Company
Sanitary Disposal Systems
Sherwin Williams Paint Company
Solvent Recovery Resource
Suncraft Homes
Systech Liquid Treatment Corporation
Systems Research Lab
Tricil Environmental Services, Inc.
Turner Construction
Turner DP & L
Turner Mead
Valley Products
Valley Properties
Van Dyne Crotty

Vanler Homes
Vernay Laboratories
Village Builders
Village of Clayton
Village of St. Paris
Village of Yellow Spring
Wade Mortgage Service
Wallick Construction
Wayne Overhead Door
Wayne Township
Weidner Herman Bldr.
Wenco Engineering Company
Wilcon Corp.
Williams Bros. Roofing Siding Co. Inc.
Willmington Builders
Wolohan Lumber
Woods Insulation
Wright State University
Xenia Township Road Department

KENT JACKSON
3319 HIGHGROVE PLACE
KETTERING OH 45429

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DAYTON, OH 454 PM 06/17/93 DCR#14

